

**`Maryland Board of Pharmacy
Public Meeting
Minutes**

Date: January 18, 2012

Name	Title	Present	Absent	Present	Absent
Bradley-Baker, L.	Commissioner	✓		6	1
Chason, D.	Commissioner	✓		7	0
Finke, H.	Commissioner	✓		7	0
Gavgani, M. Z.	Commissioner	✓		5	2
Hammonds, S.	Commissioner	✓		4	1
Handelman, M.	Commissioner	✓		5	2
Israbian-Jamgochian, L.	Commissioner/Treasurer	✓		7	0
Matens, R.	Commissioner		✓	5	2
Souranis, M.	Commissioner//President		x	5	2
St. Cyr, II, Z. W.	Commissioner	✓		6	1
Taylor, D.	Commissioner	✓		7	0
Taylor, R.	Commissioner/Secretary	✓		5	2
Bethman, L.	Board Counsel	✓		7	0
Felter, B.	Staff Attorney	✓		7	0
Naesea, L.	Executive Director	✓		6	1 (Excused)
Wu, Y.	Compliance Manager	✓		5	2
Daniels, D	Licensing Manager	✓		7	0
Gaither, P.	Administration and Public Support Manager	✓		6	1
Jeffers, A.	Legislation/Regulations Manager	✓		7	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	A. R. Taylor, Board Secretary	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> R. Taylor, Secretary, called the Public Meeting to order at 9:35 a.m. and noted that President, M. Souranis, was unable to attend due to family health issues R. Taylor requested all meeting attendees to introduce themselves and to remember to sign the guest log and indicate whether they would like continuing education credits before they leave the meeting. 		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>3. R. Taylor reported that all guests will be given packets of materials so that they can follow the meeting's agenda items and discussions. Guests are requested to return the draft packets when they leave the meeting.</p> <p>4. Members of the Board with any conflict of interest relating to any item on the agenda were advised to notify the Board.</p> <p>5. Review and Approval of December 21, 2011 minutes with the following three additions:</p> <p>A) Page 3:Executive Director Report 2). Meeting Updates Remove “?????” and replace with “None.”</p> <p>B) Page 3 Administration and Public Support d) Newsletter Contract – Change d) to c) and insert the following sentence: “E-mail distribution now available for most of our licensees.”</p> <p>C) Page 3-MIS After “Completed interview process for project manager” insert following language: “Senior Systems Engineer who will implement the systems automation project.”</p>	Motion to accept minutes with the three noted changes made by R. Matens, second by D. Taylor	Approved
II. Executive Director Report	A. L. Naesea	<p>1. Operations Update: The Board of Pharmacy was closed for 2 hours due to electrical problems on 1/17/2012. Many staff did not return to the building when the power was restored due to the time of day it was restored. L. Naesea apologized for any inconvenience to callers on that day. In addition, the</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>Board and Department had difficulties on 1/7/2012 while converting all Department web sites to is central “SharePoint” web portal. There may be periodic downtime or access problems experienced with the Board’s web-site while the conversion continues. Senior Systems Engineer/Project Manager for the new MIS implementation project has been selected and his references are being checked.</p> <p>2. Meeting Updates: 1/17/2012 L. Naesea & A. Jeffers met with NARAL Pro-Choice Maryland regarding providing information to licensees about the results of a recent study undertaken in Maryland. The Practice Committee was assigned to review the request and provide a recommended action(s) to the Board.</p> <p>3. Sunset Legislative Hearings. No dates for hearings have been set as of this date. Staff is currently working on amendments to the Sunset legislation that will be presented to the Legislative Committee for approval on the Board’s behalf.</p>		
B. Administration and Public Support	B. P. Gaither, Manager	<p>1. Personnel Updates -: Vacancies and Recruits</p> <p>a) The half- time Supervising Pharmacist Inspector position has been filled by Cheryl Johnson who began on 1/11/12. She will work 20 hours per week and is currently in training..</p> <p>b) The two permanent Office Secretary positions (Board Receptionist and Licensing Unit) are in recruitment. The Office of Human Resources has sent letters to qualified applicants to schedule interviews. The Board hopes to have these two positions filled by the end of the month.</p> <p>2. Contracts and Procurement</p> <p>a) Senior Systems Engineering Contract: The references are being checked for the project manager/senior systems engineer selected for coordinating implementation of the new SQL-based MIS system.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>b) PEAC Contract – A meeting is scheduled between PEAC and Board of Pharmacy representatives (H. Finke, D. Chason, L. Naesea, P. Gaither and Y. Wu) to discuss possible PEAC contract renewal changes .</p> <p>c) Newsletter Contract Status – The revised contract went to DHMH Office of Procurement and Support Services (OPASS) for approval. The cost for hardcopy printing was reduced because of the Board’s plans to transitioning the newsletter to electronic to be placed on the board’s website. Hardcopy newsletters will continued to mailed to pharmacy distributors and establishments. Hardcopy newsletters will also be mailed to those pharmacists and technicians who have made requests to the board. Approval is expected by the end of the week of the January Board meeting.</p>		
C. MIS	L. Naesea	See B2a under Administration and Public Support.		
D. Licensing	D. Daniels, Manager	<p>Monthly Statistics for December, 2011:</p> <p>Total Pharmacist Licensees: 8851; Pharmacists In State: 6086; Pharmacists Out-of-State: 2765; Vaccine Certified Pharmacists: 2742</p> <p>Total Pharmacy Establishment Licenses: 1734 In State: 1173 Out-of-State: 485; Waivered Pharmacies: 76</p> <p>Total Distributor Licenses: 841 In State: 137; Out-Of-State: 704</p> <p>Total Pharmacy Technician Licensees: 8069 New Applications Received: 168 New Applicants Approved: 222</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>Out-of-State Applications Received: 41</p> <p>Pharmacy Technicians Nationally Certified 4338; 3045 Non-Nationally Certified 802 Students</p>		
E. Compliance	Y. Wu, Manager	<p>1. Inspection Program Report for December2011: 16 complaints received 92 Monthly Inspection of Pharmacies; 83 annual inspections, 5 opening inspections; 2 relocation inspections; and 2 Special Investigations 2 closing inspections performed by Division of Drug Control</p> <p>2. PEAC Update- D. Chason 16 clients being monitored by PEAC; 15 pharmacists, 1 technician; 1 who is also Board Monitored. 39 Drug Test Results-None were positive. 2 clients were discharged.</p>		
			Motion by D. Taylor to oppose HB 15 as it is written;	

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
F. Legislation & Regulations	A. Jeffers	<p><u>LEGISLATION:</u></p> <p><u>Prescription Drug Take Back Day – Contact Del. Reznik with the Board’s position that it wants a workgroup to study holding a Prescription Drug Take Back Day.</u></p> <p><u>1) Board approval of positions for the following bills:</u></p> <p><u>HB 15 Maryland Medical Marijuana Act</u></p> <p><u>hb0015f</u></p> <p>Legislative Committee recommends consideration with other forthcoming Marijuana bills.</p> <p>Board voted to oppose HB 15 Maryland Medical Marijuana Act as it is written</p> <p><u>HB 23 Dedicated State Funds Protection Act</u></p> <p><u>hb0023f</u></p> <p>Legislative Committee recommends Support.</p> <p>The Board approved submitting a Letter of Support.</p> <p><u>2) Board approval/discussion of legislation introduced after Board Packet is posted.</u></p> <p><u>HB 66 – Public Health – Glucose Testing – Permit</u></p> <p>Regulations to be published on January 27, 2012. Elf version to be sent to Bd.</p> <p>Board approved Support with Amendment.</p> <p>(Since the Board meeting Delegate, Krebs amended the Board out of the bill and the Board’s position was changed to “No position.”)</p> <p><u>SB 76 Criminal Law – Controlled Dangerous Substances –</u></p>	Second by R. Matens	Motion carried.

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>Research – Synthetic Cannabinoids</p> <p>Board approved submitting a Letter of Support.</p> <p>SB 132 Health Occupations – State Board of Pharmacy – Jurisdiction Over Nonresident Pharmacies</p> <p>and</p> <p>SB 133 State Board of Pharmacy – Wholesale Distributor Permits – Application Requirements</p> <p>Anna Jeffers was directed to begin scheduling meetings with members of the EHE Committee</p> <p><u>REGULATIONS:</u></p> <p>1) 10.34.14 Opening and Closing of Pharmacies</p> <p>Anticipated to be published January 27, 2012.</p> <p>2) 10.34.18 Continuing Education for Pharmacists</p> <p>Anticipated to be published January 27, 2012.</p> <p>3) 10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities</p> <p>Published December 16, 2011.</p> <p>4) 10.34.25 Delivery of Prescriptions</p> <p>Published October 21, 2011. NO COMMENTS. Notice of Final Action submitted with March 1, 2012 effective date. Published on January 13, 2012.</p> <p>5) 10.34.28 Automated Medication Systems</p> <p>Published December 2, 2011. One comment received to be considered at the January 25, 2012 Practice Committee Meeting.</p> <p>6) 10.34. 32 Pharmacists Administration of Vaccinations</p> <p>Influenza – Emergency Effective Date retroactive to October 1,</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>2011.</p> <p>Regular proposal published November 4, 2011. NO COMMENTS. Notice of Final Action submitted with effective date 10 days after publication.</p> <p>Published January 13, 2012</p> <p>Travel Vaccines – Email to Robin Bailey requesting concerns in writing sent 12/22/11. (Also emailed 1/18/12 and 2/3/12.)</p> <p>7) 10.34.33 Prescription Drug Repository Program</p> <p>Holding off on revisions until the Fed draft proposal is published later this fall.</p> <p>8) 10.34.36 Pharmaceutical Services to Patients in Assisted Living Programs or Group Homes</p> <p>Board approval requested for release for Informal Comments.</p> <p><u>DRAFT Assisted Living Regs from 122811 for Jan Bd Mtg</u></p> <p>Board approved releasing for informal comments. (released from January 18 - February 17th.)</p> <p>10) 10.13.01 Dispensing of Prescription Drugs by a Licensee</p> <p>Legislation to be introduced.</p> <p>RATIFICATION OF BOARD COMMENTS:</p> <p>1) <u>13A.18.11 Health - Large Family Child Care Homes</u></p> <p><u>Bd of Pharm Comment - COMAR 13A.18.11 010312</u></p> <p>The Board ratified the above comment.</p> <p>2) <u>Md R Notice 121611</u> - REQUEST FOR PUBLIC COMMENT ON SYNTHETIC CANNABINOIDS (MARIJUANA)</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p data-bbox="636 233 1283 261">Bd of Pharm Comment - Synthetic Cannabinoids 010412</p> <p data-bbox="636 280 1052 305">The Board ratified the above comment.</p> <p data-bbox="636 373 1146 446">NEW REGULATION FOR COMMENT: COMAR 10.07.14 Assisted Living Programs.</p> <p data-bbox="636 466 947 490">The Board had no comments.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>H. Finke, Chair,</p>	<p>1) Derek Post, Walgreens</p> <p><u>Transfers</u></p> <p><u>Draft Bd Response – Transfers</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning 1) how a location without a pharmacist on duty may legally fill a prescription for a patient; and 2) how an out-of-state agent may provide a prescription refill transfer, even though there is no indication that a pharmacist was involved in the initial prescription filling, or in the transfer of the refills.</p> <p>1) In Maryland, a dentist, physician, or podiatrist may legally dispense prescriptions to their patients if the dentist, physician, and podiatrist have a dispensing permit issued by their respective licensing boards. See Health Occupations Article, 12-102, Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) 10.13.01.01 - .05</p> <p>You may access the Health Occupations Article of the Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) on the Board's website at: www.dhmh.maryland.gov/pharmacyboard. Click on Laws, Regulations, Legislation and Reports on the left menu. Scroll down and click on Pharmacy Statute Text, then click on [<u>Another Article</u>] at the top. Enter the article and section in the drop down boxes provided. For COMAR scroll down and click on Code of Maryland Regulations. Select Option 1. Please be advised to enter all eight numbers in the box provided on the COMAR page: 10.13.01.01 and so forth.</p> <p>2) The transfer of prescriptions in Maryland is only allowed between pharmacies. See COMAR 10.34.04.01 - .09. The prescriber should be contacted to re-issue the prescription.</p> <p>2) Stephanie Hammonds, Life Bridge Health</p> <p><u>Outsourcing of Prescriptions</u></p> <p><u>Draft Bd Response – Outsourcing of Prescriptions</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning whether if an original prescription order is filed as a prescription order at a primary pharmacy does this mean that the primary pharmacy simply has to keep the original or does it mean</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
B. Licensing Committee	D. Taylor Commissioner	<p>Pharmacist Applications:</p> <ul style="list-style-type: none"> Iteif, Louis - Discussion: does he have to complete the 1560 internship hours in the U.S. even though he attended an ACPE accredited school? Recommendation that Applicant must complete the 1560 internship hours in the U.S. Nguyen, Trinh - Request waiver of reinstatement – audit candidate. Recommendation is to approve waiver of reinstatement. Bonnel, Renan - The license request waiver of reinstatement --- did not receive a reminder card. This was not the 1st renewal for the RPh – has renewed several times in past. Recommendation is to deny request for waiver of reinstatement fee. <p>Pharmacy Technician Applications:</p> <ul style="list-style-type: none"> Anglin, Deborah - Answered “YES” to #3; failed to renew her Registered Respiratory Therapy (RRT) license in Florida, now has her RRT in Maryland. Recommendation is to approve the renewal with no further action to be taken. <p>Distributor Application:</p> <ul style="list-style-type: none"> Ferndale Labs - 2 buildings, FDA address is for manufacturing facility; Submitted application with address of 2nd building where medications are stored and distributed. Recommendation is to approve the renewal with no further action to be taken. <p>Drug Repository/Drop Off Site Applications:</p> <ul style="list-style-type: none"> Village Pharmacists - Applying for drop-off only. Recommendation is to approve, but recommend 	<ul style="list-style-type: none"> Iteif, Louis- Motion by Licensing Committee to accept recommendation; second by L. Israbian-Jamgochian Nguyen, Trinh- Motion by Licensing Committee to accept recommendation; second by R. Matens Bonnel, Renan- Motion by Licensing Committee to accept recommendation; second by H. Finke Anglin, Deborah- Motion by Licensing Committee to accept recommendation; second by H. Finke Ferndale Labs- Motion by Licensing Committee to accept recommendation; second by R. Matens Village Pharmacists- Motion by Licensing Committee to accept recommendation; second by M. Gavgani 	<ul style="list-style-type: none"> Iteif, Louis- Approved Nguyen, Trinh- Approved Bonnell, Renan- Approved Anglin, Deborah- Approved Ferndale Labs-Approved Village Pharmacists-Approved

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>that they apply for both drop-off and repository.</p> <ul style="list-style-type: none"> • Citizens Pharmacy Inc - Applied for both. Recommendation is to approve. • Sharpsburg Pharmacy - Applied for drop-off only. Recommendation is to approve, but recommend that they apply for both drop-off and repository. • Boonsboro Pharmacy - Applied for drop-off only. Recommendation is to approve, but recommend that they apply for both drop-off and repository. • Fallston Pharmacy - Applied to be a repository only. Recommendation is to approve, but recommend that they apply for both drop-off and repository. • Finksburg Pharmacy - Applied for drop-off only. Recommendation is to approve, but recommend that they apply for both drop-off and repository. <p>Safeway is requesting a refund of \$600 for store P00925 due to closing 12/22/2011. Recommendation to deny request as it is an administrative fee.</p>	<ul style="list-style-type: none"> • Citizens Pharmacy Inc- Motion by Licensing Committee to accept recommendation; second by M. Gavgani • Sharpsburg Pharmacy- Motion by Licensing Committee to accept recommendation; second by R. Matens • Boonsboro Pharmacy- Motion by Licensing Committee to accept recommendation; second by R. Matens • Fallston Pharmacy- Motion by Licensing Committee to accept recommendation; second by D. Chason • Finksburg Pharmacy- Motion by Licensing Committee to accept recommendation; second by S. Hammonds • Lenna Israbian-Jamgochian recused herself from discussion/voting on this matter. Motion by Licensing Committee to accept recommendation; second by R. Matens 	<ul style="list-style-type: none"> • Citizens Pharmacy Inc-Approved • Sharpsburg Pharmacy-Approved • Boonesboro Pharmacy-Approved • Fallston Pharmacy-Approved • Finksburg Pharmacy-Approved • Safeway-Approved

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
C. Public Relations Committee	L. Bradley-Baker Chair	<ol style="list-style-type: none"> 1. Waiting on approval of revised contract for newsletter which will now be available on-line as well as hardcopy. We anticipate on-line newsletter to be available on our website by the end of January 2012. Establishments and distributors will still be mailed hardcopy of newsletter. 2. Looking into some additional community events in which to participate(in addition to the Baltimore Flower Mart).The committee will report to the BOP on possible events at next month's meeting. The committee is looking to partner with some of the other pharmacy organizations in these events. 		
D. Disciplinary	L. Israbian-Jamgochian Chair	<ol style="list-style-type: none"> 1. Information Regarding Carisoprodol Prescriptions - On 12/12/2011, the Drug Enforcement Administration (DEA) published in the Federal Register making carisoprodol a schedule IV controlled substance. Accordingly, as of 1/11/2012, a pharmacy may only fill or refill a prescription for a drug containing carisoprodol if all of the following requirements are met: the prescription was issued for a legitimate medical purpose by a DEA-registered practitioner acting in the usual course of professional practice (21 C.F.R. Section 1306.04); the prescription contains all the information required for controlled substances; and the number of refills authorized by the prescribing practitioner is five or less. 2. The DEA has scheduled another National Prescription Drug Take Back Day which will take place on Saturday, April 28, 2012, from 10:00am to 2:00pm. 		
E. Emergency Preparedness Task Force	D. Taylor Chair	No Report		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
F. Drug Therapy Management	Lynette Bradley-Baker, Co-Board Representative	<p>Joint Committee Update</p> <p>1. People's Community Health Center: The Joint Committee to contact People's asking that they respond to three listed questions below:</p> <p>A. Will People's Community Health Center accept the following change to Section V for all four protocols? If no, please state the reasons why. Section V (.02 A 2e) The pharmacist(s) may not substitute among chemically dissimilar drug products without a prescription prescribed by a physician.</p> <p>B-Will People's Community Health Center supply to the Joint Committee a copy of the Therapy Management Contracts executed by the physician, the pharmacist and the patient if patient name was redacted? If no, please state reason why,</p> <p>C-What are the names of the last two physicians that signed the Physician-Pharmacist Agreement?</p> <p>If these questions can be answered by February 1, 2012, the Board of Physicians will be able to consider the four protocols at its February, 2012 public board meeting. As of January 18, 2012 People's Community Health Center has not responded to the e-mail posing these questions which was sent on January 11, 2012.</p>		
IV. Other Business & FYI	R. Taylor, Secretary	Board of Pharmacy will be closed on February 20, 2012 for Presidents Day. Go Ravens!	Motion by R. Matens to adjourn the Public Board Meeting; Second by D. Chason	Approved
V. Adjournment	R. Taylor, Secretary	<p>The Public Meeting was adjourned at 11:40am</p> <p>At 12:27 P.M. R. Taylor convened a Closed Public Session to engage in medical review committee deliberations regarding</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>confidential matters in applications and consult with counsel in accordance with State Government Article Section 10-508(a)(7) and (13).</p> <p>C. The Closed Public Session was adjourned at 1:10 P.M. Immediately thereafter, R. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>		